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ABSTRACT

This fact sheet was written in response to a Senatorial request for information that would quantify litigation costs, in time and money, associated with federal efforts to defend and promote the rights of American Indians from 1982 through 1987. Costs incurred on behalf of Alaskan Natives were to be excluded in the report. It was found that for fiscal years 1982 through 1987, the Indian Resources Section of the Justice Department spent about $5.1 million to carry out its mission of litigating Indian rights cases. Of that amount, about $3.9 million was for personnel compensation and benefits while the remaining $1.2 million was for other expenses. The funds supported approximately 10 attorneys and 4 staff members each year, or 84,638 staff hours on 654 cases for the 6-year period. The information is contained in a response letter and in several statistical tables showing data on Indian Rights cases handled by Justice's Indian Resources Section. The tables show numbers and status of Indian cases, hours attorneys worked, staff and salary costs, and costs of expenses. A list of major of contributors to the fact sheet is included. (TES)

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United States General Accounting Office

GAO

Fact Sheet for the Honorable
Harry Reid, U.S. Senate

April 1988

INDIAN AFFAIRS

Statistical Data on Indian Rights Cases Handled by Justice

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United States
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Washington, D.C. 20548

Resources, Community, and
Economic Development Division

B-230532

April 26, 1988

The Honorable Harry Reid
United States Senate

Dear Senator Reid:

In your November 9, 1987, letter, you asked us to quantify the costs, in time and money, associated with the federal government's efforts to defend and promote the rights of American Indians. In subsequent discussions with your office, you asked that we acquire statistical data on these costs for fiscal years 1982 through 1987 but exclude those costs incurred on behalf of Alaskan Natives. You also asked that we limit our review to the Department of Justice, which has responsibility for providing litigation services for Indians.

Title 25 U.S.C. 175 directs that U.S. Attorneys represent Indians in all suits to protect and defend their rights and privileges. Within the Department of Justice, the Indian Resources Section, Land and Natural Resources Division, carries out this responsibility of defending Indian rights and privileges. Cases are referred to the Indian Resources Section by other federal agencies that are charged by law with protecting Indian rights. This fact sheet presents detailed statistical information on the Indian Resources Section's case load and staffing and associated costs incurred in defending Indian rights.

In summary, we found that for fiscal years 1982 through 1987 the Indian Resources Section expended about $5.1 million to carry out its mission of litigating Indian rights cases. Of the $5.1 million, about $3.9 million was for personnel compensation and benefits. The remaining $1.2 million was for other expenses, such as travel costs, rent, supplies, materials, and equipment. These funds supported approximately 10 attorneys and 4 staff members each year during this 6-year period. During this same period, attorneys within the Indian Resources Section worked 84,638 staff hours on 654 cases defending Indian rights.

To develop the information included in this fact sheet, we obtained computer-generated statistics from Justice's Land and Natural Resources Division. As agreed with your office, we did not verify the information obtained. The information presented in this fact sheet was, however, reviewed and agreed with by the Deputy Executive Assistant, Land and Natural Resources Division, as to its accuracy and completeness.

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As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this fact sheet until 15 days from the date of this letter. At that time, we will send copies to interested parties and make copies available to others upon request. Should you desire further information, please contact me on (202) 275-7756.

Major contributors to this fact sheet are listed in appendix I.

Sincerely yours,

James Duffus III

James Duffus III
Associate Director

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ABBREVIATIONS

GAO	U. S. General Accounting Office
GSA	General Services Administration

SECTION 1

STATISTICAL DATA ON INDIAN RIGHTS CASES HANDLED BY JUSTICE'S INDIAN RESOURCES SECTION

Table 1.1 lists the total number and status of all Indian cases, for fiscal years 1982 through 1987, that the Indian Resources Section handled and shows the department or agency that referred the case.

Table 1.1: Status, by Department or Agency, of the Indian Resources Section's Cases

Fiscal year /status	Department or agency							
	Unassigned[a]	Army	Energy	GSA	Interior	Justice	Transportation	Total
1982								
Pending[b]	11	1	1	1	565	-	2	581
Closed[c]	1	-	1	-	53	-	1	56
1983								
Pending	16	1	-	1	594	-	1	613
Closed	1	-	-	1	34	-	-	36
1984								
Pending	20	1	1	-	612	-	1	635
Closed	1	-	-	-	43	-	-	44
1985								
Pending	21	1	1	-	592	-	1	616
Closed	3	1	-	-	81	-	-	85
1986								
Pending	23	-	1	-	525	-	1	550
Closed	3	-	-	-	36	-	-	39
1987								
Pending	21	-	1	-	542	1	1	566
Closed	3	-	-	-	38	-	-	41

[a]Unassigned cases represent those cases that were not identified with a particular agency when entered into Justice's computer system.

[b]Pending cases for each fiscal year include all cases carried over from the prior year plus all new cases filed during the year.

[c]For each fiscal year, "closed" includes all cases closed during the fiscal year regardless of when they were filed.

Table 1.2 shows the total hours spent by attorneys within the Indian Resources Section to defend Indian rights and privileges for fiscal years 1982 through 1987.

Table 1.2: Hours Expended by Attorneys of the Indian Resources Section

Fiscal year	Total hours expended[a]	Hours spent on Indian cases[b]	Cases worked on[c]
1982	17,268	12,574	144
1983	16,829	11,495	115
1984	19,816	13,971	106
1985	20,408	14,388	98
1986	21,707	14,962	77
1987	24,417	17,248	114
Total	120,445	84,638	654

[a]The total hours in this column include professional development (training), drafting and reviewing proposed legislation, counseling, administrative time, and leave, in addition to time spent by attorneys on Indian cases.

[b]Hours also include court time and overtime. Even though attorneys record the number of hours associated with overtime for cases, they do not receive additional compensation, because they are salaried employees.

[c]Each year's case count includes all cases worked on during that year, some of which may have been carried over from a previous year.

Table 1.3 lists the type and number of staff within the Indian Resources Section, along with the total salaries associated with each staff type. Salaries are based on grade/step of each staff member as of September 30 for each fiscal year.

Table 1.3: Indian Resources Section's Staff and Salary Costs[a]

Fiscal year	Attorney		Clerical		Total	
	Number	Salary	Number	Salary	Number	Salary
1982	10[b]	$ 366,310	4	$ 66,804	14	$ 433,114
1983	9	433,192	5	81,086	14	514,278
1984	9	466,500	4	68,153	13	534,653
1985	9	483,819	4	72,070	13	555,889
1986	10	537,172	3	59,208	13	596,380
1987	10	565,030	3	64,591	13	629,621
Total	57	$2,852,023	23	$411,912	81	$3,263,935

[a]Figures were not available showing salary costs for hours spent specifically on Indian cases. Figures shown, as indicated, are total salaries for all hours expended.

[b]One attorney who was paid on a per-day basis and was classified as an other than full-time permanent employee is not included in the salary total.

Justice's financial management group within the Land and Natural Resources Division maintains a financial accounting of all funds expended by each section within the Division, including the Indian Resources Section. Accordingly, table 1.4 lists this section's expenditures by object class for the fiscal years covered by our review.

Table 1.4: Funds Expended by the Indian Resources Section

Expenditures as of September 30

	Fiscal years						
Object class	1982	1983	1984	1985	1986	1987	Total
Personnel compensation and benefits[a]	$603,527	$627,679	$649,488	$720,387	$648,114	$677,934	$3,927,129
Travel and transportation	57,032	53,157	63,651	70,698	60,016	59,190	363,744
Rent, communication, and utilities	2,351	0	0	565	0	0	2,916
Printing and reproduction	5,267	202	163	10,983	2,715	714	20,044
Other services[b]	49,915	629,666[c]	24,696	27,043	6,032	11,085	748,437
Supplies and materials	705	2,514	1,948	2,942	4,623	6,037	18,769
Equipment	0	4,070	0	0	13,761	470	18,301
Total	$718,797	$1,317,288	$739,946	$812,618	$735,261	$755,430	$5,099,340

[a]Figures do not match salaries in table 1.3 because this table includes other costs, such as the agency's share of health insurance premiums, Federal Employees Group Life Insurance, and Civil Service Retirement system contributions.

[b]Includes expenses such as costs for court transcripts and taking depositions.

[c]Justice's fiscal year 1983 expenditures for this object class were $79,666. The remaining $550,000 represents moneys given to Justice by the Department of the Interior to allow Justice to hire consultants for a particular case under litigation.

APPENDIX I

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